



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,318	11/21/2003	Patrick Vanderwilt	199-0082US-C	3084

29855 7590 04/14/2005

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
P.C.
20333 SH 249
SUITE 600
HOUSTON, TX 77070

EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2643

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,318	Applicant(s) VANDERWILT ET AL.	
	Examiner George Eng	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 11/11/2004.

Terminal Disclaimer

2. The terminal disclaimer filed on 11/11/2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent 6,693,661 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2-4, 7-13, 16-19 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (US PAT. 5,617,539 hereinafter Ludwig) in view of Goh et al. (US PAT. 6,373,841 hereinafter Goh).

Regarding claim 2, Ludwig discloses a video conferencing system as shown in figure 1 comprising a personal computer (12), i.e., a videoconferencing unit, for processing and transmitting audio and video data to a plurality of users of the system through a network interface (110, figures 18A-18B and col. 15 lines 56-63). Ludwig differs from the claimed invention in not specifically teaching a web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to select a file for broadcast to the videoconferencing unit or allows the user to view a file being transmitted by the video conferencing unit. However, Goh teaches a managed workstation having an embedded processor (38, figure 3) being programmed to function as a web server for transmitting a web page in response to a request from a network manager, i.e., a user, wherein the web page allows the network manager to view a file being transmitted by the managed workstation in order to reduce burdening to host processor by providing the functionality of both a network controller and a manageability web server (col. 4 line 66 through col. 7 line 53 and col. 9 line 40 through col. 10 line 7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ludwig in having the web server embedded within the personal computer and coupled to the network interface for transmitting the web page in response to the requests from the user, wherein the web page allows the user to select the file for broadcast to the

Art Unit: 2643

videoconferencing unit or allows the user to view the file being transmitted by the video conferencing unit, as per teaching of Goh, because it reduces burdening to host processor by providing the functionality of both a network controller and a manageability web server.

Regarding claim 3, Goh teaches the web page allows the network manager to select a file for broadcast to the managed workstation and to view a file being transmitted by the managed workstation (col. 7 lines 39-53 and col. 10 lines 8-38).

Regarding claim 4, Goh teaches the file comprising a presentation (col. 3 line 63 through col. 4 line 3).

Regarding claim 7, Goh teaches the web pages further allowing the network manager to perform diagnostic testing on the managed workstation (col. 10 line 61 through col. 11 line 21).

Regarding claim 8, Goh teaches the web page further allowing the network manager to upgrade, i.e., to modify configuration parameters, of the managed workstation (col. 10 lines 47-60).

Regarding claim 9, Ludwig discloses a video conferencing system as shown in figure 1 comprising a personal computer (12), i.e., a videoconferencing unit, for processing and transmitting audio and video data to a plurality of users of the system through a network interface (110, figures 18A-18B and col. 15 lines 56-63). Ludwig differs from the claimed invention in not specifically teaching a web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to perform diagnostic testing on the videoconferencing unit. However, Goh teaches a managed workstation having an embedded processor (38, figure 3) being programmed to function as a web server for transmitting a web

page in response to a request from a network manager, i.e., a user, wherein the web page allows the network manager to perform diagnostic testing on the managed workstation in order to reduce servers and maintenance costs (col. 4 line 66 through col. 7 line 53 and col. 10 line 61 through col. 11 line 21). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ludwig in having the web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to perform diagnostic testing on the videoconferencing unit, as per teaching of Goh, in order to reduce servers and maintenance costs.

Regarding claim 10, Ludwig discloses a video conferencing system as shown in figure 1 comprising a personal computer (12), i.e., a videoconferencing unit, for processing and transmitting audio and video data to a plurality of users of the system through a network interface (110, figures 18A-18B and col. 15 lines 56-63). Ludwig differs from the claimed invention in not specifically teaching a web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to modify configuration parameters of the videoconferencing unit. However, Goh teaches a managed workstation having an embedded processor (38, figure 3) being programmed to function as a web server for transmitting a web page in response to a request from a network manager, i.e., a user, wherein the web page allows the network manager to perform upgrade, i.e., to modify configuration parameters, of the managed workstation in order to reduce servers and maintenance costs (col. 4 line 66 through col. 7 line 53 and col. 10 lines 47-60). Therefore, it would have been obvious to a person of

Art Unit: 2643

ordinary skill in the art at the time the invention was made to modify Ludwig in having the web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to modify configuration parameters of the videoconferencing unit, as per teaching of Goh, in order to reduce servers and maintenance costs.

Regarding claim 11, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 3.

Regarding claim 13, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claim 17, the limitations of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 22, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claim 23, the limitations of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claim 9.

Regarding claim 25, the limitations of the claim are rejected as the same reasons set forth in claim 10.

5. Claims 5-6, 14-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (US PAT. 5,617,539 hereinafter Ludwig) in view of Goh et al. (US PAT. 6,373,841 hereinafter Goh) as applied in claims above, and further in view of Craig (US PAT. 6,108,687).

Regarding claims 5-6, the combination of Ludwig and Goh differs from the claimed invention in not specifically teaching the presentation comprising a plurality of slides, wherein the videoconferencing unit further comprises presentation engine for converting the slides into a corresponding set of thumbnail images. However, Craig teaches a system for providing a presentation of slides to a plurality of computers over a computer network, wherein each of the plurality of computers comprises graphical user interface for generating the slides into a corresponding set of thumbnail images (figure 2) in order to offer improved control and flexibility in the presentation of computer-based instructional sessions among widely distributed audiences. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Ludwig and Goh in having the presentation comprising a plurality of slides, wherein the videoconferencing unit further

Art Unit: 2643

comprises presentation engine for converting the slides into a corresponding set of thumbnail images, as per teaching of Craig, in order to offer improved control and flexibility in the presentation of computer-based instructional sessions among widely distributed audiences.

Regarding claims 14-15 and 20-21, the limitations of the claims are rejected as the same reasons set forth in claims 5-6.

Response to Arguments

6. Applicant's arguments filed 11/11/2004 have been fully considered but they are not persuasive.

In response to applicant's arguments on double patenting rejection, the double patenting rejection is withdrawn because of a terminal disclaimer filed 11/11/2004.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant pointed out Ludwig teaches away from the claimed invention by

Art Unit: 2643

adding computing capabilities to a videoconferencing system reliance upon Ludwig at col. 2, lines 25-39, thereby the combination of reference is improper. It is noted that applicant's assertion is incorrectly because the cited section merely is the background of the invention as defined by Ludwig. In addition, Ludwig clearly teaches the collaborative multimedia workstation having high-quality audio and video capabilities superimposed onto an enterprise's existing computing and network infrastructure, and the collaborative workstation incorporate an intuitive, powerful, user interface making the system easy to learn and use (col. 3 line 28 through col. 4 line 4 and col. 15 line 46 through col. 16 line 13). Thus, one skill in the art would recognize Ludwig teaching to add computing capabilities to a videoconferencing system. As a result, Ludwig does not teach away from the claimed invention and the combination of Ludwig and Goh is proper. The suggestion or motivation to combine the references is stated as above rejection, i.e., it reduces burdening to host processor by providing the functionality of both a network controller and a manageability web server (see Goh, col. 3 lines 1-4). Note Ludwig does not teach away from the claimed invention. The combination of Ludwig is enough to reject the broad claimed limitations.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


Art Unit: 2643

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (571) 272-7495. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


George Eng
Primary Examiner
Art Unit 2643